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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,451	07/30/2002	Elvir Causevic	KEDI 7230US	4217
1688	7590	03/29/2005	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615			SZMAL, BRIAN SCOTT	
			ART UNIT	PAPER NUMBER
			3736	
DATE MAILED: 03/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/019,451	CAUSEVIC ET AL.	
	Examiner	Art Unit	
	Brian Szmaj	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 18 January 2005.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-6 and 8-37 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) 11-17 and 20-36 is/are allowed.

6) ☒ Claim(s) 1-6, 8-10, 18, 19 and 37 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

Claim Objections

1. Claim 18 is objected to because of the following informalities: In line 9, "at least partial" should read as "at least partially" to be grammatically correct. Appropriate correction is required.
2. Claim 37 is objected to because of the following informalities: In line 3, "a test subject" should read as "the test subject" due to the prior disclosure of "a test subject" in Claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 10, 18, 19 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Dolphin (5,601,091).

Dolphin discloses an audiometric apparatus and screening method and further discloses a portable hand-held enclosure; a signal processor housed by the enclosure, the processor having a computer program operated on command by the user, the program producing an auditory brainstem response test and at least one additional auditory test selected from the group of otoacoustic auditory emission test, tympanometry and otoacoustic reflectance; a display mounted to the enclosure, operatively connected to the signal processor, the display displaying the results of the selected test;

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a probe connection point on the enclosure, the probe connection point being operatively connected to the signal processor; a power supply for operating the signal processor; a plurality of electrodes for collecting data from a patient, the electrodes being operatively connected to the signal processor; a tympanometry interface operatively connected to the signal processor for recording middle ear pressure on a test subject and adjusting minor middle ear conditions during otoacoustic auditory emission and auditory brainstem response testing; an otoacoustic emission interface for otoacoustic measurements of a middle ear condition; the power supply is rechargeable; a memory module within the enclosure operatively connected to the signal processor; a computer program at least partially contained in the signal processor; a keyboard for accessing the computer program; and an otoacoustic auditory emission interface operatively connected to the signal processor for recording or assessing hearing conditions of the test subject. See Column 4, lines 9-11 and 53-67; Column 5, lines 1-7, 22-32 and 45-56; Column 6, lines 17-35, 43-66; and Column 8, lines 8-10.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dolphin (5,601,091) as applied to claim 1 above, and further in view of Combs et al (5,868,682).

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Dolphin, as discussed above, disclose and audiometric screening means, but fails to disclose an otoacoustic auditory emission simulator interface operatively connected to the signal processor for testing the integrity of the otoacoustic auditory emission interface.

Combs et al disclose a means for generating and measuring the acoustic reflectance curve of an ear and further disclose an otoacoustic auditory emission simulator interface operatively connected to the signal processor for testing the integrity of the otoacoustic auditory emission interface. See Column 18, lines 66-67; and Column 19, lines 1-2.

Since both Dolphin and Combs et al disclose means for testing an ear, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the means of Dolphin to include the use of a calibration means to test the integrity of the interface, as per the teachings of Combs et al, since it would provide a means of maintaining and acquiring an accurate measurement from the user's ear.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dolphin (5,601,091) as applied to claim 1 above, and further in view of Shennib (5,197,332).

Dolphin, as discussed above, disclose and audiometric screening means, but fails to disclose an infrared interface operatively connected to the signal processor for permitting communication between the signal processor and an external device.

Shennib discloses a headset hearing tester and further discloses an infrared interface operatively connected to the signal processor for permitting communication between the signal processor and an external device. See Column 5, lines 31-33.

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Since both Dolphin and Shennib disclose means for testing a user's hearing, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Dolphin to include the use of an infrared interface, as per the teachings of Shennib, since it is well known in the art to utilize an infrared interface to provide a wireless means of communication between the device and signal processor.

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolphin (5,601,091) as applied to claim 1 above, and further in view of Zurek et al (5,267,571).

Dolphin, as discussed above, disclose the use of an audiometric testing device using a keyboard, but fail to disclose a memory mapped input/output device operatively connected to the memory module and to the signal processor, the display is operatively connected to the signal processor through the memory mapped device.

Zurek et al disclose a means of testing the adequacy of human hearing and further disclose a memory mapped input/output device operatively connected to the memory module and to the signal processor, the display is operatively connected to the signal processor through the memory mapped device. See Column 4, lines 34-63; and Column 5, lines 20-62.

Since both Dolphin and Zurek et al disclose means for testing the hearing of a user, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Dolphin to include the use of a memory mapped device, as per the teachings of Zurek et al, since it is well known in the art to utilize a memory mapped system to store multiple parameters within a single memory system.

Allowable Subject Matter

9. The following is a statement of reasons for the indication of allowable subject matter: Claim 11 contains allowable subject matter since no prior art could be found teaching or suggesting an auditory screening device comprising, the signal processor is configured to perform a time domain sum and average over time for detecting otoacoustic auditory emission signals using an offset frame overlap method. Claims 20-23 are allowable since no prior art could be found teaching or suggesting the otoacoustic auditory emission information is recorded by frames, and information from a preceding frame s used in conjunction with information of a succeeding frame to reduce the signal to noise level in the received signals, as claimed in Claim 20. Claims 12-17 and 24-36 remain allowable per the reasons set forth in the Office Action mailed on December 10, 2004.

Response to Arguments

10. Applicant's arguments with respect to claims 1-6, 8-10, 18, 19 and 37 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Szmalec whose telephone number is (571) 272-4733. The examiner can normally be reached on Monday-Friday, with second Fridays off.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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